



December 21, 2020

Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

RE: Docket Number RU-00000A-19-0132

Dear Chairman Burns and Commissioners,

On behalf of Wildfire: Igniting Community Action to End Poverty in Arizona and the Arizona PIRG Education Fund, we appreciate the opportunity to provide our input on the Proposed Modifications to the Rules Regarding Termination of Service. **Due to insufficient data in the docket and anticipated impacts of COVID-19 lasting at least into the summer of 2021, we respectfully request the current heat related moratorium remains in place from June 1, 2021-October 15, 2021.**

If the Commission determines it wishes to proceed with revisions that will impact ratepayers in the summer of 2021, we respectfully ask you to direct Commission Staff to participate in a joint consumer advocates and affected utilities stakeholder meeting prior to providing the Commission with another revised rule. With all due respect, many of the concerns raised in filings in this docket have been discussed and compromises reached between advocates, including those on the frontlines, and utilities over the last year-and-a-half of meetings and conversations. Despite invitations to engage in numerous stakeholder meetings on this topic, Staff has not participated. To the best of our knowledge, over a year has passed since Staff spoke with any stakeholders on this rulemaking.

Background

Our organizations have been involved since the inception of this rulemaking in June 2019. When the initial rule was proposed, Wildfire and the Arizona PIRG Education Fund, along with St. Vincent de Paul and RUCO, submitted a [letter to the docket](#) noting our concerns about unintended consequences that may arise should the Commission hastily act. Unfortunately, due to a lack of frequent and comparable data in the docket, the strengths and weaknesses of the initial rulemaking remain largely unknown.

As you know, Wildfire and the Arizona PIRG Education Fund were very supportive of the Commission's vote on the [Disconnection Policies](#) earlier this month. The Commission's action will help consumers experiencing challenges paying their electric bill and has the potential to reduce arrearages ratepayers would otherwise bear. Additionally, the policy the Commission

passed will ensure APS, TEP and UNSE provide information based on facts and trends, essential for future action.

As stated in our most [recent letter](#) on the Disconnection Policies, “...this health crisis shows no signs of ending, and the economic aftereffects will last for a long time as so many businesses, which we all supported in one way or another, have shuttered, closed temporarily, reduced employee hours or have indefinitely laid off employees... Customers who have never before been faced with an inability to pay their bills, and who have never before needed additional assistance, do now. And they have been faced with a benefits maze many find difficult to navigate.”

While we have not supported a blanket moratorium due to potential unintended consequences, we do find the circumstances noted above, as well as the time needed for clear customer communication, warrant continuance of the current heat related moratorium from June 1, 2021-October 15, 2021.

Input on Proposed Revised Rule

As mentioned, if the Commission proceeds with revisions that will impact ratepayers in the summer of 2021, we respectfully ask you to direct Commission Staff to participate in a joint consumer advocates and affected utilities stakeholder meeting prior to providing the Commission with another revised rule. Below please find a number of recommendations, several that have also been stated by other stakeholders.

1. Inability to Pay - R14-2-201(17). The process that APS, TEP, and UNS Electric and Gas currently has in place for ratepayers enrolling in limited income discount programs works for ratepayers, partner agencies, and the utilities. The rules should not create additional barriers for ratepayers in need of financial assistance. We support the language provided by TEP et al for this section, with one modification: (17) c.iii should be modified to read, “Has an annual income at or below 200 percent of the federal poverty level as verified.” This change allows all forms of verification in use today, including those in the proposed revised rule.
2. Service Interruptions - R14-2-208(D). To us, the purpose of this section should be to ensure ratepayers are aware of any *significant* impact to their service, not to create unnecessary bureaucracy. We support the language provided by TEP et al for this section, with one exception – in 5a “within two hours” should be retained.
3. Termination of Service - R14-2-211. For purposes of this rule, the intent of the utility should be to help the ratepayer avoid disconnection. The utility should gather as much information as possible from new and existing customers including email addresses, consent for text messages, and agreement for third-party notification – either an individual or entity. The Southwest Gas filing notes they currently allow “charitable, religious, and non-profit organizations to serve as third-parties for notifications regarding at-risk customers”, which we support.

In the APS filing, the company states that “customer contacts should follow customer preferences through the various channels available to the utility”, a sentiment alluded to by TEP et al, which we also support. Additionally, we share concerns with the utilities that in-person notification has not yielded desired results and may put the safety of a utility employee at risk. Further, as we have stated in the past, the goal should be to reach the ratepayer in the most cost-effective manner possible. We find it reasonable to require the utilities to make three attempts - that they can verify - to connect with the customer such as by a phone call or text, email, postal delivery, or other such method. We also find it reasonable that after informing a customer of available financial assistance, the utility should need to provide the customer with at least five business days to contact a relevant entity(s).

The Cooperatives, as stated in their filing in this docket, and SRP have adopted the National Weather Service’s heat advisory as their moratorium temperature policy, which we support. It is worth noting that APS, TEP, and UNS Electric shared that policy prior to the Commission’s heat related moratorium emergency rulemaking in June 2019. As the electric utilities have pointed out, the notices required in the revised rule are likely to create confusion to ratepayers and be costly to implement; therefore, we encourage an annual reminder(s) of the policy for all ratepayers.

In 2020, APS, TEP, and UNS Electric agreed to automatically set-up six-month payment plans for customers who fell behind on their bills. The rulemaking should codify this agreement and state that if a utility underbills or if a customer falls behind on their bills, the customer should automatically be placed on a six month payment plan, with the ability to extend the plan in coordination with their utility. Additionally, APS, TEP, and UNS Electric raised their internal thresholds for disconnection to \$300. The revised rules should codify the \$300 threshold in order to better protect ratepayers.

The utilities should be required to maintain a record of termination of service and related records for at least three years vs. the one year that Staff proposes. And as part of the termination notice requirements, the amount needed to maintain service should be highlighted on the bill.

In regard to customer disputes, we agree with the filing by TEP et al to insert the word “formal” before complaint with the Commission. In addition, the utility should be required to provide a customer with at least five business days to file a formal complaint with the Commission prior to disconnection.

4. Gas Utilities. The comments listed above from Wildfire and the Arizona PIRG Education Fund apply to the gas utilities with two exceptions: Service Interruptions - R14-2-308(E). We support the language provided by TEP et al for this section, with one exception – in 5a “within one hour” should be retained. And in Provision of Service, we support the request of UNS Gas and Southwest Gas to conform to what is required under the Arizona Pipeline Safety Rules as stated in the filing by TEP et al.

While we greatly appreciate the opportunity to provide input on electric and gas disconnection policies, we also encourage the Commission to revisit its water and other disconnection policies. We look forward to continuing to work with the Commission to protect Arizona ratepayers.

Sincerely,

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